

# ANNUAL REFUGEE CONSULTATION

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Y4.J89/2: S.

HRG. 104-800

## HEARING

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

ONE HUNDRED FOURTH CONGRESS

FIRST SESSION

ON

EXAMINING THE PRESIDENT'S FISCAL YEAR 1996 BUDGET REQUEST  
FOR REFUGEE ADMISSIONS

AUGUST 1, 1995

**Serial No. J-104-39**

Printed for the use of the Committee on the Judiciary

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U.S. GOVERNMENT PRINTING OFFICE

38-466

WASHINGTON : 1997

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Superintendent of Documents, Congressional Sales Office, Washington, DC 20402

ISBN 0-16-054239-1



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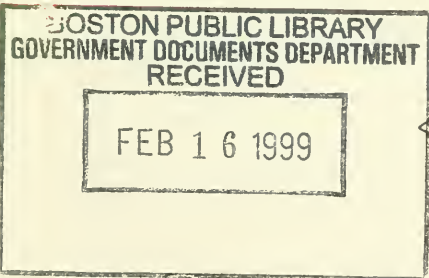
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# ANNUAL REFUGEE CONSULTATION

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TUESDAY, AUGUST 1, 1995

U.S. SENATE,  
SUBCOMMITTEE ON IMMIGRATION,  
COMMITTEE ON THE JUDICIARY,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 11:12 a.m., in room SD-226, Dirksen Senate Office Building, Hon. Alan K. Simpson (chairman of the subcommittee), presiding.

Also present: Senator Kennedy.

## OPENING STATEMENT OF HON. ALAN K. SIMPSON, A U.S. SENATOR FROM THE STATE OF WYOMING

Senator SIMPSON. Good morning and welcome. We will proceed with our consultation. The Refugee Act of 1980 provided that the President shall initiate "appropriate consultation" with the Congress prior to making a determination on the admission of a specific number of refugees that is "justified by humanitarian concerns or is otherwise in the national interest."

That is the language of the Refugee Act of 1980. It is a tribute to my colleague on my left, always on the left, that we have that act. I was rather fresh and new here when that act was considered by the Judiciary Committee, and it is a singular piece of legislation, a tribute to Senator Kennedy, and certainly has been a very workable piece of legislation for the most part.

This hearing, together with a very fine personal meeting that Senator Kennedy and I had last week with Secretary Warren Christopher, is a very important part of the consultation process. I think both of us would agree that that was well worthwhile in an informal setting to have that consultation process, too.

So in order to assist Members of Congress in assessing the refugee situation, the Refugee Act requires the administration to provide certain information to the Congress concerning the worldwide refugee situation, the number and allocation of refugees to be admitted, the estimated cost of their movement and settlement, an analysis of the "social and economic impact" of their admission, the extent to which other countries will assist us in the resettlement of refugees, and other similar information.

The statute requires that this information shall be provided at least 2 weeks in advance of discussions by the President's representatives, but that material was received only last week. We know next year you will be very diligent in meeting that timetable. I needn't even ask the question, certainly, regardless of who is chairing this. But I do think it is very helpful to us to meet the

statutory requirement, and it does say "shall 2 weeks in advance," and we will appreciate that.

Nearly 14 years ago at the first refugee consultation I chaired, I said this "Congress has a clear duty in this consultation process, and I see every indication that they will preform it well and in a clear and firm voice. I feel we are now fully prepared to do that," that being the eternal optimism of the Senator from Wyoming. I fear that I, along with my colleagues in this body and the House, were somewhat naive in our assessment of the efficacy of the consultation process because Congress really has no firm control on the number of refugees to be admitted other than through the appropriations process.

Refugee resettlement has grown to include hundreds of thousands of persons who simply cannot meet the refugee definition, except by use or abuse of special presumptions. These persons, who are more accurately described as humanitarian admissions, have overwhelmed the refugee program for the last half dozen years.

As a result of that, legislation has been introduced in the Senate, in the House, and has been proposed by the Commission on Immigration Reform to limit annual admissions to 50,000, which was the "normal flow" under the original act, and that was to be limited unless otherwise approved by Congress. So here you have a whole new theme from the Senate, the House, and the Commission on Immigration Reform to set this figure.

I think all of us who care deeply about a generous refugee program should all be well aware, then, of the level of concern that these special programs have generated. I note this morning that the President proposes a reduction in admissions for fiscal year 1996. I believe that such a reduction is appropriate in view of world conditions today. I trust we will see a similar reduction in fiscal year 1997 unless, of course, there is a new refugee emergency, in which case we should stand ready to do our fair share.

People forget the applicability of the act. We are always ready to deal with refugee emergencies and we always have responded most generously, but people do not see that from time to time. We always do more than our fair share in the world.

Well, let me conclude with another quote from my dazzling statement as a fresh young legislator in that first consultation in 1981. I said this, "I wish to affirm this country's commitment to assist those victims of persecution who are of special humanitarian interest to the United States and who indeed meet the definition of refugee as stated in the Refugee Act of 1980." These are my words then, "I emphasize the need to apply"—that is, to apply the refugee definition—"to each and every refugee application, since it is not feasible nor possible for the United States to accept for permanent resettlement all of those persons fleeing from governments whose standards do not match our own."

The importance of case-by-case determination remains so vital today, but unfortunately we have drifted far from that standard during these 14 years, largely from pressure, pure pressure, from special groups using special leverage. I trust that this proposed reduction might be a small first step toward reaffirming the original standard.



We will look forward to the testimony of Mr. Tarnoff. First, let me recognize the person who was instrumental in the passage of the original Refugee Act of 1980 and who has been of tremendous assistance to me in my work over the years as we change the position of chairman and ranking member from time to time in accordance with the vagaries of the electorate.

Senator Kennedy.

**STATEMENT OF HON. EDWARD M. KENNEDY, A U.S. SENATOR  
FROM THE STATE OF MASSACHUSETTS**

Senator KENNEDY. Thank you very much, Senator Simpson. I welcome our distinguished panelists.

Once again, I thank my friend and colleague, Senator Simpson, for these hearings. The provisions that were included in the legislation about consultation have been something which have really been important to, I think, our understanding, as well as the different administrations' understanding about what the sentiment is up here on the Hill, reflecting what we are receiving back home in many instances, and has been respected by Republicans and Democrats alike. It has been by Senator Simpson when he has been Chair with Republican administrations, and we have done the same with Democratic administrations.

There are different provisions in different legislation about consultations and working together that really are not given the life and the import that this has been, and we take it seriously. Senator Simpson does, we do, and the members of the Judiciary Committee do. So we welcome the seriousness with which the administration has taken this issue.

It is important that we have this hearing. The American people too often are confused between refugees, illegal immigrants, and legal immigrants. There are entirely different traditions that make up these individuals, although when you come down to it, it is basically individuals, it is mothers and fathers and children. Nonetheless, there are important public policy questions that involve each of those various groups, and the American people frequently get these issues and groups confused or bundled together.

It is important that the committee and the leadership and Senator Simpson and all of us try and work together to reflect the different priorities and categories as we have seen them defined in current legislation and past legislation, and also the extent that we make adjustments to reflect the current changes.

So we are mindful of the central challenge that we are facing in each of these areas, and this subcommittee under Senator Simpson has moved along in both the legal and illegal issues, and now on the issues of the refugees. I think it is a responsible position. We have broad areas of agreement and some areas of difference, but I think it is really the purpose of leadership to move ahead in all of these areas and I welcome the Chair's position.

Let me just say, finally, I think we have seen some of the successes in recent years. I think it is always important to be realistic about the central challenges that we are facing with regard to the unrest and discrimination and prejudice and bitterness and hatred that exists in many different situations and different foreign lands,

and the enormous human tragedies that result from those kinds of emotions and feelings and actions.

We have seen some tragic circumstances alter and change—the Mozambicans, the Afghans, the Angolans, some movements in Cambodia. We don't have the movements that we had in previous years by Salvadorans, Chileans, and Poles that were coming here. We still have very trying circumstances in terms of some of the lingering problems and important responsibilities in Southeast Asia that have to be addressed.

The concern, I think, as we meet this morning, although I don't think we will probably get into it very much, is what happens to those 2.7 million displaced people in Bosnia and Herzegovina who are dependent upon the lifeline of support by voluntary agencies and the United Nations, with the changed circumstance and the presence of the United Nations altered and changed in those circumstances that might see a human tragedy of just such immense proportions that would even make the barbaric acts that all of us have been repulsed by in recent times be replicated.

So we have got a lot on our plate and we are looking forward to the comments of our very thoughtful leaders in the Department who have given a great deal of time and attention to the issues on refugees and the purposes for which we meet this morning, and I join the Chair in welcoming them here and am looking forward to their recommendations.

I thank the chairman.

Senator SIMPSON. Thank you very much, Senator Kennedy.

We do have Peter Tarnoff, the Under Secretary of State for Political Affairs, and he is accompanied at the witness table by Phyllis Oakley, the Assistant Secretary of State for the Bureau of Population, Refugees, and Migration. You have been very helpful to us over the years.

So if you would please proceed, Mr. Tarnoff.

**STATEMENT OF HON. PETER TARNOFF, ACTING SECRETARY, DEPARTMENT OF STATE, WASHINGTON, DC; ACCOMPANIED BY PHYLLIS OAKLEY, ASSISTANT SECRETARY, BUREAU OF POPULATION, REFUGEES, AND MIGRATION, DEPARTMENT OF STATE**

Mr. TARNOFF. Thank you, Mr. Chairman and Senator Kennedy. First, let me bring you greetings from Secretary Christopher. He is in Asia, as you know, and it is in my capacity as Acting Secretary of State that I appear before you today. The Secretary reminded me that, as you said, Mr. Chairman, he felt that the meeting that he had with you and Senator Kennedy was very useful to him. He supports very much the activities of the Department in this very important area, and he wants the consultation to go ahead in meaningful ways in the future.

We are also accompanied here, Mr. Chairman, by representatives of the Immigration and Naturalization Service, as well as by representatives of the Department of Health and Human Services. They will be filing separate statements for the record, with your permission, further elaborating on the administration position.

[The statements referred to follow:]

PREPARED STATEMENT OF PHYLLIS COVEN, DIRECTOR, INTERNATIONAL AFFAIRS, U.S.  
IMMIGRATION AND NATURALIZATION SERVICE

Good morning. It is a pleasure to appear before you today to discuss the proposed United States refugee resettlement admissions program for Fiscal Year 1996 and the role of the Immigration and Naturalization Service (INS) in the program.

Fiscal Year 1995 has been a year of challenges and changes for INS. Today, I would like to report how we have faced some of the new demands in the refugee world. Let me begin with the Cuban migration issue since I am certain that is of particular concern to you, as it is to the Administration.

President Clinton in July 1993 expressed this Administration's immigration policy, stating that we must say no to illegal immigration so that we can continue to say yes to legal immigration. We have been consistent in our efforts to deter illegal immigration while promoting legal immigration and ensuring protection for bona fide refugees. Over the past year, the Administration has taken significant steps to implement that policy with respect to Cubans and to ensure that migration from Cuba to the United States will be safe, orderly and legal. In this effort, our refugee admissions program has played an important role.

Two recent migration accords with the Government of Cuba have allowed us to take remarkable strides toward our goal. Last September 9, our two nations agreed to take measures that would discourage dangerous sea voyages, prevent alien smuggling, encourage legal migration from Cuba and facilitate the return of Cubans wishing to go home. On May 2, we agreed to address the compelling circumstances of Cuban migrants at Guantanamo through the Attorney General's parole authority and to take additional measures to prevent unsafe departures. In particular, all Cubans wishing to come to the United States must do so through established legal migration programs. Cuban migrants intercepted at sea or at Guantanamo while seeking to enter the United States illegally are subject to repatriation. This policy has been implemented with due regard to refugee protection issues. All Cubans with the genuine need for protection, which they believe cannot be satisfied by return to the U.S. Interests Section, will be examined before return. These arrangements provide a balanced framework for responding with compassion to the desire of many Cubans to come to the United States while enforcing our immigration laws with integrity.

As you know, the September 9, 1994 agreement vastly expanded opportunities for legal migration from Cuba by guaranteeing that at least 20,000 Cubans would be authorized to come to the United States each year. Cubans are encouraged to apply for legal migration programs through the United States Interests Section (USINT) in Havana. INS and consular staff in Havana have been conscientious and energetic in their efforts to implement the September 9 legal migration agreement, our processing is on target, and our refugee admissions program has played an important role in our success thus far. More than 8,000 refugees have been approved by INS officers in Havana; over 5,800 of those refugees already have traveled to the United States or now are travel ready.

Moving from Cuba to Haiti, I am pleased to report that the INS mission in Haiti has been completed and that our office in Port-au-Prince is now closed. We are proud of the role we played in offering a new life in the United States to almost 6,000 Haitians at risk who were resettled through the in-country refugee program. INS remained in Haiti through the darkest of times but we now take satisfaction in knowing that Haitians who once may have sought refuge in the United States now find hope and opportunity at home.

Although I have focused my regional remarks on the Caribbean, INS has not neglected the rest of the refugee world. During FY 1995, we continued to work closely with the Department of State and the United Nations High Commissioner for Refugees (UNHCR) in responding to the needs of a number of other refugee populations.

We have continued to respond to the plight of Bosnians fleeing their war-torn homeland. Although our processing had to be suspended briefly due to shelling in Zagreb, INS officers have gone the distance to reach Bosnian refugee applicants. We have conducted frequent and expeditious circuit rides to many locations in Croatia, Slovenia and the Serbian Republic to process former detention camp inmates, Bosnian Muslims with relatives in the United States, and other vulnerable Bosnians referred by UNHCR.

We continue to interview refugee applicants from the former Soviet Union and have increased our interview rate in Moscow. We continue to operate pursuant to the Lautenberg Amendment, which was extended last year by the Congress. The vast majority of applicants interviewed in Moscow during FY 1995 fit into one of the four identified categories: Soviet Jews, Evangelical Christians, Ukrainian Catholics and Ukrainian Orthodox. Their claims are adjudicated in accordance with the legislation's directive that a well-founded fear of persecution is established by a as-



sertion of a fear of persecution and assertion of a credible basis for concern. We will enter the new fiscal year with over 40,000 approved refugees in the pipeline.

In Africa, we have joined in the regional approach to process Africans at various locations around the continent, working closely with the United Nations High Commissioner for Refugees to ensure that a diverse population of refugees in need of resettlement is given consideration.

The United States continues to be part of a multinational effort to resettle Iraqis who fled their country for Saudi Arabia following the Gulf War. All cases referred to INS for resettlement consideration have been found by the United Nations High Commissioner for Refugees (UNHCR) to be refugees in need of resettlement. All of those approved by INS for refugee status fully satisfied the requirements of law and were found to have a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The majority of the Iraqis who have been interviewed in Saudi Arabia, both civilians and former military, participated in the uprising and southern Iraq following the end of the war. Other Iraqis and Iranians, principally religious minorities, are interviewed at various refugee processing posts.

As we enter the final stages of the established refugee program in the Orderly Departure Program (ODP), the INS workload in Vietnam consists largely of former re-education camp detainees and some former employees of the U.S. Government. We have increased the interview rate of former detainees with the expectation of completing interviews of eligible applicants in 1996. We continue to process Hmong and Burmese in Thailand.

As you know, a number of recent events, including passage by the House of Representatives of an amendment that seeks direct United States resettlement of screened-out Vietnamese from first asylum countries, bear on our work in Southeast Asia. We are concerned that this provision undermines the Comprehensive Plan of Action or CPA (the international agreement on this issue reached in Geneva in 1989), might well be resisted by concerned Asian Governments, would encourage those in the camps to continue to resist repatriation, and might even spur additional boat departures from Vietnam.

At the same time, we are sensitive to concerns that there may be screened out asylum seekers of special humanitarian concern to the United States. For this reason, we are reviewing and would be prepared to support a proposal that envisions resettlement interviews upon return for those now in the camps who agree to return to their homes voluntarily. The details of this initiative are still to be determined and will be informed by the views of our CPA partners.

We endorse the overall refugee admissions ceiling of 90,000 and the regional ceilings, as proposed by the President. These ceilings reflect the need for refugee resettlement in the United States and demonstrate America's historic concern for easing the suffering of refugee populations.

I would be pleased to answer any questions you may have about our activities over the course of FY 1995. The year ahead may present challenges not yet revealed to us. We at INS wish to assure you that we stand ready to respond.

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PREPARED STATEMENT OF LAVINIA LIMON, DIRECTOR, OFFICE OF REFUGEE RESETTLEMENT, ADMINISTRATION FOR CHILDREN AND FAMILIES, DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mr. Chairman, I appreciate the opportunity to submit this testimony on behalf of the President's recommendations for fiscal year 1996 refugee admissions.

The President's FY 1996 budget request of \$414,199,000 for the refugee and entrant assistance program is based on the recommendation that 90,000 persons will be admitted to the United States as refugees. The request also assumes that 20,000 nationals of Cuba will be paroled into the United States. These persons are eligible for refugee assistance under section 501 of the Refugee Education Assistance Act of 1980. I would like to note that this budget request takes into account these parolees and therefore assures that we will be able to maintain current services in the program for both refugees and eligible parolees.

The budget request reflects this Administration's continued support for the domestic component of refugee resettlement. The resettlement program is a national, federally funded, integrated service delivery and assistance program. We remain committed to its principal goal of helping refugees achieve early economic self-sufficiency and social adjustment through immediate access to refugee-specific services. While refugees face significant challenges on their arrival in the United States, we know that over time refugees increasingly seek and find jobs and move toward economic self-sufficiency in their new country.

We believe that the domestic program must be able to respond quickly, visibly, and flexibly in providing refugee-specific services in response to crises. For example, this fiscal year, the Appropriations Committees approved the reprogramming of certain refugee funds to social services to address the impact of the President's decision to parole the remaining Cuban migrants from Guantanamo, Cuba.

Over the past two years, we have taken significant steps that ensure not just our continued fiscal commitments but also our ability to meet the programmatic needs of refugees from around the world. We have had extensive discussions with State and local government officials, voluntary agencies, mutual assistance associations, and others about the future of the program and its interaction with other programs.

As someone who has been involved in refugee work for over twenty years, I am particularly pleased with the partnerships we have established among all the players in resettlement. We continue to believe that there is no single approach to resettlement that will be appropriate in all circumstances. Flexibility remains the key to effective resettlement.

At the State and local level, there is a good deal of activity around creating alternative programs using the "Fish/Wilson" authority. Some projects were established when the State government decided not to continue administering the program, such as in Kentucky, and some projects are being established on a huge scale as refugee specific alternatives to mainstream aid programs, such as in New York City.

At the Federal level, we and the Centers for Disease Control and Prevention have worked closely with States in developing a national health screening protocol. This protocol will ensure refugees receive proper assessment and treatment when they arrive in the United States so that we may address any health-related condition that would adversely affect a refugee's effective resettlement.

We also believe that increased demand for refugee services makes it necessary to sharpen the program's priorities. Moreover, we have learned from experience that the greatest impact that services can have on a refugee's social adjustment and economic well-being occurs during a refugee's initial years in the United States. Therefore, beginning in October, refugee services eligibility will be limited to a refugee's first five years in the United States.

In conclusion, we believe the domestic refugee resettlement program is in a position to meet the needs of refugees today and to meet the future challenges facing the program. We appreciate the support we have received that enables us to respond effectively to a changing, and often unpredictable, world refugee situation.

Mr. TARNOFF. Of course, as you mentioned, I have with me at the table Assistant Secretary Phyllis Oakley, who will be available during the question period to supplement very fully our responses to your questions.

I appreciate very much this opportunity to reaffirm the President's deep commitment to the U.S. refugee programs, as well as to outline briefly for the committee and to present to you the President's specific proposal for the fiscal year 1996 refugee admissions program.

Perhaps more than at any time since 1980 when the Refugee Act was enacted, the question of to whom and in what numbers this country should offer permanent resettlement is generating considerable national interest. There are, no doubt, many reasons for the renewal of this debate, but the changed circumstances on global migration in the post-cold-war period and its impact on the United States is one of the most significant.

We are not alone. Many other countries are wrestling with the same issues, but it is clear that we, the United States, must provide the necessary leadership within the international community to ensure that refugee resettlement remains available to those for whom there is no other viable alternative.

Refugee resettlement embodies who we are and what we stand for as a nation. Given the numerous volatile situations in the world today, we believe the United States must retain maximum flexibility to offer resettlement opportunities when needed and to be in a position to encourage other countries to accept their international

responsibilities. It is for this reason that we oppose any legislative numerical cap on annual refugee admissions.

Having said this, let me emphasize that we concur that the use of resettlement as a durable solution should evolve to match changing requirements. This fiscal year, new priorities were established to determine who among the world's refugees would be given primary consideration for U.S. resettlement. Without sacrificing our ability to act unilaterally, these new priorities allow for greater coordination with the efforts of the international community and other resettlement countries.

Working with the office of the U.N. High Commissioner for Refugees, we are moving away from a cold war framework and toward a system with greater emphasis on refugees recognized as having both a well-founded fear of persecution and a need for third-country resettlement.

Turning to the specifics of the admissions program for fiscal year 1996, a copy of which I believe the committee has already received, the President proposes an overall refugee admissions ceiling of 90,000. This represents an 18-percent decrease from the current ceiling of 110,000. Much of the reduction will result from a decline in the need for admissions numbers in the East Asian region. The 25,000 number proposed for this region will allow us to resettle the last group of Vietnamese reeducation camp prisoners and highlanders from Laos, to whom we have firm commitments.

In addition, in an effort to accelerate voluntary repatriation from first asylum camps in Southeast Asia and ensure the successful conclusion of the comprehensive plan of action, we are discussing with our CPA partners a proposal to provide opportunities for resettlement interviews upon return to Vietnam to those Vietnamese now in camps who agree to return to their homes voluntarily.

In the former Soviet Union, religious minorities with close family ties in the United States will continue to receive significant refugee admission slots under the European ceiling of 45,000. Unfortunately, the situation of Bosnian refugees not only continues unresolved in many locations, but may even be deteriorating. We are working closely with the UNHCR, and in fiscal year 1996 we will admit at least 15,000 Bosnians, almost double the number expected to arrive during fiscal year 1995. We will continue to monitor events in Bosnia and we will be prepared to consult with Congress if further adjustments appear necessary.

In Africa, we have embarked on a new approach to refugee processing to ensure we take in those people truly in need of resettlement. This effort involves not only the U.S. Government and U.S. Government-funded nongovernmental organizations, but also many UNHCR offices whose primary focus is on basic humanitarian assistance. Traveling teams of voluntary agency and Immigration and Naturalization Service staff members this year will interview African refugees in more than double the number of first asylum countries traditionally visited for this purpose.

The United States-Cuban migration agreement calls for the safe, orderly, and legal admission of 20,000 Cubans annually. One component of this effort involves the admission of persons approved in our in-country refugee admissions program. Individuals who have



been jailed or harassed for their political or religious beliefs or activities are examples of those included in this program.

For the Near East-South Asian region, we are proposing 4,000 numbers for fiscal year 1996. Resettlement in the United States for refugees from this region is closely coordinated with the UNHCR. Many referrals for United States resettlement are persons who fled Iraq, but cannot remain in first asylum countries such as Saudi Arabia, Jordan, Turkey, or Syria. Religious minorities from Iran, particularly Bah'is and Jews, also require third-country resettlement.

Given the unpredictability of world events, the President's proposal includes a reserve of 3,000 numbers which are not assigned to any region. As situations develop during the year, additional numbers for existing programs or numbers for new refugee groups may be required.

By current UNHCR estimates, there are some 20 million refugees in the world, and an even greater number of persons displaced within the borders of their own countries. In addition, millions of migrant workers and asylum seekers are on the move around the globe. In the face of these growing numbers, the international community now rarely views large-scale permanent resettlement as an appropriate or manageable solution for the refugee crisis.

The vast majority of the millions of refugees worldwide will never be resettled anywhere, but rather will remain in first asylum under the care of the international community until they can return home in safety and dignity. It is to these vital programs that some \$430 million of Department of State funds are devoted in the current fiscal year. We believe the U.S. commitment to generous levels of overseas assistance represents money very well spent.

There are many examples. The ethnic tensions in central Africa that led to genocide in Rwanda last year and still threaten to plunge Burundi into bloodshed and chaos elicited an outpouring of American concern and resources, despite the limited United States strategic interests in this part of the world. Since April 1994, the U.S. Government has provided over \$500 million in emergency relief for refugees, internally displaced, and other conflict victims in this region.

When nearly 1 million Rwandans arrived in the Goma area of Zaire within a matter of days, the UNHCR reached the outer limits of what it could implement, even on an emergency basis, and appealed to governments to provide services directly to the refugees. U.S. leadership was instrumental in mobilizing resources and contributions from other nations.

Rwanda illustrates another aspect of this country's contribution to handling humanitarian crises, that of the private. The community of nongovernmental organizations, or NGO's, reported an unprecedented fundraising response from the American people to the Rwandan tragedy, and many Americans in other voluntary agencies provided lifesaving work throughout the region.

Mr. Chairman, the relief activities of American NGO's have also made a substantial difference in alleviating suffering in the ongoing tragedy of Bosnia. Since 1992, NGO's have assisted millions of people uprooted in this agonizing ethnic conflict. Often without regard to their own personal security, they have ensured the provi-

sion of food and shelter to victims of ethnic cleansing and violence both within and outside of Bosnia's borders.

In conclusion, Mr. Chairman, the people of the United States continue to demonstrate an enormous capacity and willingness to reach out to those in need both at home and abroad. Americans want to be part of the solution. In recent years, it has been made abundantly clear that the United States retains the will, creativity, and willingness to take charge when necessary in assisting the victims of natural and man-made disasters. In addition, our record as a multicultural society, even in light of the current debate on appropriate levels of new immigration, is excellent and can serve as a positive example to other nations.

The President's proposal for an admission of 90,000 refugees in fiscal year 1996 reflects his intention to maintain America's leadership, while at the same time recognizing that changed circumstances demand new and flexible responses.

Mr. Chairman, that concludes my presentation. Assistant Secretary Oakley and I would be delighted to try to respond to your questions.

Senator SIMPSON. I thank you for that and we look forward to that opportunity. We will have 5-minute rounds. I think perhaps other members of the subcommittee or the full committee will perhaps come.

In your statement, you reiterate the administration's opposition to a legislated numerical cap on annual refugee admissions, and I mentioned in my statement how so many on all sides of the issue have called for a numerical cap—the House, Senate, the Commission itself. You say "New priorities were established to determine who among the world's refugees would be given primary consideration for United States resettlement."

What are those new priorities? What are the new criteria, and does the administration intend to consult with the Congress on those changes in criteria and priorities, and how close are they to becoming policy?

Mr. TARNOFF. Mr. Chairman, let me answer the first question, then turn to Assistant Secretary Oakley for a response to your second question. On the first question, we believe that it is important for the administration to have flexibility when it comes to the overall ceiling. We will, in the process of our consultations with the Congress, obviously in our testimony, and other means, be in close touch with the relevant congressional committees on what our overall objectives are and the ceiling which the executive branch believes is desirable from one year to the next.

But this overall flexibility, I think, gives us the chance to set our priorities and set our objectives. If it were legislated, I think this would be a severe constraint on our ability to do so.

I would like Assistant Secretary Oakley to comment specifically, though, on the question of our new priorities.

Senator SIMPSON. Please.

Ms. OAKLEY. In general, I think our work on new priorities has been done closely in conjunction with our NGO operating partners, and this is an ongoing dialog. Basically, what we have been trying to do is assign higher priority to persons identified by the U.N. High Commissioner for Refugees or U.S. embassies overseas as



being in need of resettlement due to factors such as vulnerable security or health situations, or status as former political prisoners, or the dangers of forcible repatriation.

Many of our earlier priorities had been founded largely on our experiences and policies in regard to refugees from Vietnam. As those numbers have declined, we have really tried to adapt our priorities to changing world situations, and I think that we have benefited a great deal from NGO comments on all of this, as we have from recommendations and the wisdom of various congressional staff members who have also participated.

Senator SIMPSON. Would you, for the record, define NGO, non-governmental organizations?

Ms. OAKLEY. Well, I am sorry I used that without explaining. Nongovernmental organizations are our implementing partners. Certainly for resettlement in the United States, I think that our refugee program has really been a model. It is a combination of public and private efforts where each refugee brought into the United States is assigned to a nongovernmental organization that assists in their integration and settlement into the United States—how to get a job, how to live in the United States, how to go to a supermarket. We couldn't do it without them. The same is true overseas in our assistance programs where usually nongovernmental organizations are the implementing partners and the people on the ground that really administer the aid.

Senator SIMPSON. And these are what we have referred to in the past as the voluntary agencies, in a sense.

Ms. OAKLEY. Yes.

Senator SIMPSON. Are they not still paid a figure from the Federal Treasury to assist in settlement and replacement, and what is that figure?

Ms. OAKLEY. They are indeed paid by the U.S. Government for their efforts in refugee resettlement. Also, though, resettlement is supported by their own private funds as well. So, once again, it is this mix of private and public money. Certainly, they receive grants for the administration of overseas assistance.

Senator SIMPSON. What is the amount of that grant per person? It is over \$600 now, isn't it?

Ms. OAKLEY. We raised it, working on it. It is \$700 per capita.

Senator SIMPSON. It was \$535, 2 years ago, I think, or something of that nature. I think that that very much needs to be known by the American people that these "voluntary agencies," now known as nongovernmental organizations, receive \$700 per individual to resettle a "refugee," regardless of whether they are a "true refugee" or a presumptive refugee. That is a very important figure, I think, to look at, one we need to carefully look at as it continues to rise through the appropriations process, obviously, in some way.

Senator Kennedy.

Senator KENNEDY. Thank you very much, Mr. Chairman.

Of course, it is entirely appropriate to get a chance to review the numbers. It is also recognized that these settlement issues are complex and difficult to have it done right and have it done well. I think all of us have seen circumstances where they have been done extremely well, and what a difference it makes in terms of these people's lives.

One of the most extraordinary ones that I mentioned to my friend is the Tibetans. A thousand came in and we have settled 100 of them in Massachusetts. I went to visit with some of them recently; now, it is probably over 1 year ago. It has been just absolutely an extraordinary success, and I hope that it would continue to be. But to have it done right and done well, whether that figure is \$500 or \$650 or whatever it is, it ought to be sufficient to do it, not to be excessive, but to have the agencies themselves do it well.

One of the great dilemmas that we have in terms of dealing with these numbers is that there is no question that there is a certain fatigue in terms of refugees, and we have seen that fatigue at other times. The country itself was alive with concern on the tragedies in Ethiopia and the response that we had, and then we had other problems in the Sudan and in other places around the world. There is no question there is some of that fatigue in terms of how we deal with refugees.

On the other hand, if we are expecting other countries—we have, I think, done very well. I think we are about No. 4 in the world per capita in acceptance of refugees. In the total numbers, of course, we have exceeded any other country by far. We do pretty well, and I think that is not unimportant in terms of what we are doing in the other parts of the world.

But if we are not going to be able to have some settlement of these, what are going to be the circumstances? Is it going to make it more difficult in trying to get other countries to bear their fair share? What really is the role of the United States in trying to get other countries to pull their fair share? We have been a leader. I think it has been impressive. It is against a background of complexity and difficulty, and I can give examples in my own State of Massachusetts of complexity—very extraordinary, wonderful people that are hard-pressed to make ends meet in any event and still are willing to tighten their belts to welcome others in, but just get submerged in terms of additional responsibilities and pressures on school systems and other systems.

But if we are not working in these areas and doing our fair share, what is going to happen, just generally, in terms of the settlement issues in other countries, and should we have to worry about it? I mean, is this important to us, and how important is it to us, given everything else that we are facing?

Mr. TARNOFF. I think it is, Senator Kennedy. Let me begin an answer and then Ms. Oakley may want to complement what I say. This is an issue of high importance to us. I think our traditions, the humanitarian impulses, the makeup of our society, being a nation of refugees ourselves, all contribute to making this issue an important one for our politics and for our culture and for our foreign policy.

I think if we were to fall by the wayside or fail to keep up our share of responsibilities, other countries would also do less, or many other countries would do less, and I think our support takes various forms. Financially, of course, you are aware of the very large numbers that the United States is continuing to provide; secondly, in terms of the people whom we take here. I cited the figure of the United States having a tradition of taking more refugees than any other country in the world.

Third, as Ms. Oakley indicated, the activity of the American NGO's who are really a world leader in terms of their organization and in terms of the courage and continuity of their operations—if they were to lose support, including financial support, from the U.S. Government, the international community, even if it was well disposed to support their efforts, would have a much smaller base on which to build in terms of program management around the world.

Senator KENNEDY. Well, I think that is important. I see that light. I have some other questions, if I could.

Senator SIMPSON. Very short——

Senator KENNEDY. Very short. He sort of dangles me out there a little bit, you know, just when I get warmed up to the subject.

Senator SIMPSON. Your voice was very modulated and I want you to go ahead.

Senator KENNEDY. As long as it stays in that tone, he will let me go.

Let me ask you where we are in the Bosnian situation. I have taken note that in the last day or so, we have had the U.N. High Commissioner talk about what might be anticipated over there. Do you want to address that and your thinking in terms of—we have settled 15,000 since the war began and are proposing 15,000 in 1996. We have the U.N. High Commissioner talking about that situation. What do you think are the realistic dimensions of what we might be faced with over there?

Ms. OAKLEY. If I may, I would like to just offer a few comments on that. Indeed, as you have heard, we have taken 15,000 Bosnians since the beginning of the difficulties there. We will admit about 9,000 this fiscal year, 1,800 more than last year. I would like to say that just yesterday, we received a new appeal from the U.N. High Commissioner for Refugees talking about an immediate need of 5,000 places in light of the recent events, and projecting needs over the coming years of 50,000 numbers.

We are, of course, looking at how we might respond to that, and I can't give you an absolute agreed number because you can understand that we have to consult, but we think our share of this ought to be about 50 percent of each number, and we hope to be able to tell the High Commissioner that we will take immediately from unallocated reserves 2,500 and that we would look to take probably half the amount over the period ahead.

We do this for two reasons, and it is not only because of the immediate need of people in Bosnia, but it is to demonstrate leadership and to encourage our other international partners in this to step up to the plate and do their fair share as well. That is terribly important to the High Commissioner.

Senator KENNEDY. Well, I think Americans are learning more and more about that tragic circumstance, and I think that as we see a withdrawal of support for the U.N. agencies there and the dependency not only of the displaced people but others in the community for the basic essentials of life, it is important that we have some appreciation for what is happening to people and where they may very well have to be settled and what the response of our Nation would be on it.



Let me ask you, would you address the question—there will be some who say, well, why should we take them; it would be better if they remained in that region so that they will be able to go back to their homes. Maybe you would answer that issue, and then, second, about the cultural issues, that most of them are Muslims. What is your own assessment about the religious connotations? Are they better placed in countries where religion is more dominant or where culture is more dominant? What thinking has been done in these areas?

Mr. TARNOFF. On the question of whether they should stay or go, I think, like in other parts of the world, we have some general criteria for such judgments. Obviously, as you described, the situation in Bosnia is desperate enough for significant numbers of people, but not as many as we might have assumed a year or so ago, who are looking for resettlement. Essentially, again, continuation of the war and some of the events of recent days have heightened the situation in that regard, and that is why the UNHCR has come forward in the manner that Ms. Oakley described.

On the cultural side, I think we have been quite impressed, as have our European friends and partners, with the ability of the Bosnians, whatever their ethnic background, to adapt and to become part of either European or American communities. There are Orthodox, there are Roman Catholics, and there are Muslims in the refugee population, with an increasing number of Muslims, as you know.

I think our experience, as well as the experience in Western Europe, has been that, Europeanized as they are in many respects, the adjustments are really done quite well, and I think we could anticipate that the same would be the case for additional people coming here.

Senator KENNEDY. Thank you.

Senator SIMPSON. I think that it is very important what Senator Kennedy was saying about fatigue, what was called compassion fatigue several years ago. I coined that, or someone else closeby, but I don't think there is as much fatigue. As Senator Kennedy says, his home State of Massachusetts has done a wonderful job of resettlement and opening their arms to many from around the world.

I don't think that fatigue is there as much in the case of a genuine refugee; I mean a refugee who truly has no hope of safe return, who will be killed if they are to return to their homeland, who can't remain in the country of first asylum, and for whom the administration is willing to provide funds and Congress is willing to provide funds and not dump that financial problem on the States. Now, they are ready to receive those people who are refugees—a person, again, feeling persecution, or with a well-founded fear of persecution based on race, religion, national origin, or membership in a political or social organization.

That is the key, and that was to be done on a case-by-case basis under the original law. That is what I keep getting back to and I will continue to get back to. We abuse the system when we have presumptive refugees just presumed to be refugees without a case-by-case determination of those people, where even in the former Soviet Union we have them waiting for a year or a year-and-a-half until they decide to come. That can't be a refugee. You can't be a

refugee when you have 6 months or a year or 18 months to sort it out as to where you are going to go. That is a distortion and it is going to hurt real refugees, while others misuse the system.

That, I think, is something that we must be very careful about and we must get back to case-by-case determination of refugees. The average citizen, I think, in California, and proposition 187—they didn't know the difference between Cambodian refugees and people coming across the southern border. It meant nothing to them on their vote. They made no distinction between a refugee and an illegal, undocumented person. So we either help America put it back together or help in gimmickry of a precious, precious definition of refugee.

Along that line, I have supported the comprehensive plan of action, the CPA, from the beginning. I disagreed with the reluctance of the previous administration—those were folks of my own political faith, and I know that is heresy, but I was there saying I think this is a mistake—the reluctance of that administration to return those economic migrants who were screened out under CPA procedures.

We were returning economic migrants to Haiti, and even to Cuba in recent months, and I could simply see no reason why we should not return nonrefugees to their homelands so long as that return was carefully monitored by the United Nations and others.

In your statement, you say that we are "discussing with our CPA partners the possibility of giving resettlement interviews to Vietnamese now in camps after they have returned to Vietnam." I assume that purpose is to induce those Vietnamese in the camps to return, and it occurs to me as I was thinking of it that the Vietnamese in the Hong Kong camps—and I believe that is where a majority of the 40,000 screened out Vietnamese are—now have less than 2 years in which to either go back or to find themselves under the jurisdiction of the People's Republic of China. Now, that prospect alone might be enough inducement to return without the promise of yet another interview.

What are your views on that?

Mr. TARNOFF. Well, it is, of course, the case that within 2 years the jurisdiction for their situation will change to the People's Republic of China. I would have to reflect on your question, Senator, to see whether the imminence of the change is likely to have an effect on the disposition of the refugees during that 2-year period. I just don't know the answer to that. Maybe Ms. Oakley does.

Ms. OAKLEY. I don't have a definite answer, but I think the whole question of the status of Hong Kong underlines the administration's determination and desire to bring the CPA to a dignified and humane end so that the Vietnamese could return to Vietnam to resume their lives. I think we would all agree that they have had too much disruption. The uncertainty of what might happen with the change in government that will occur in 1997, I think, underlines the need to bring this to a humane, prompt, and compassionate end where people have a chance to get on.

Senator SIMPSON. Let me take a moment more. You mentioned in your statement the fact that resettlement is a shared international commitment, and I certainly agree with that. With regard to the CPA, have our resettlement partners, the Australians and

the Canadians, agreed to do re-interviews with the screened-out refugees?

Mr. TARNOFF. I would like to ask Ms. Oakley to respond.

Ms. OAKLEY. Certainly, our partners in the CPA, particularly the Canadians and Australians, have fulfilled their commitments that they made under the CPA. They have pressed very hard to bring it to an end, to finish so that this whole international undertaking may end.

We are now simply in the process of beginning discussions with them, with the UNHCR, with the first-asylum countries on how best we can deal with what we have called a track two to take care of some of these people whose cases may have been erroneously screened out, but we really don't have answers from them yet. It is a very complicated process because it does involve so many countries and many players, but we are pursuing that as best we can and I will be glad to keep in touch with you and your staff members on our progress on that.

Senator SIMPSON. I would appreciate that very, very much because when I visited those refugee camps in Southeast Asia, I observed refugees and was told by the voluntary organizations, now the NGO's, that these people had been interviewed and re-interviewed and re-interviewed again, and I wondered just how many times the CPA boat people have been interviewed. But my staff reports to me that the interests of—and I respect the views of the people that they are telling me their views—that in re-interviewing some of these special cases, they may well have fallen through the cracks in the CPA process.

I believe we should provide an INS interview in those egregious cases where there has been obvious interest, persons who fought with us, who were allied with us and assisted us in the war. I agree that these selective interviews must be accomplished in Vietnam. It is of utmost importance, I think, that we finally conclude the Vietnamese boat people chapter of our history in Southeast Asia. I agree we must not abandon our allies who were persecuted because they assisted us in the past, and we won't let that occur, and I know Senator Kennedy feels as strongly as I do.

I have taken a bit longer. Senator Kennedy.

Senator KENNEDY. Thank you. Just to sharpen this point, I think you are probably aware of that ABC story, "The Lost Commandos," about the people who conducted the missions behind enemy lines. Most were killed or captured, and some spent many years in the POW camps, and there is quite a long story about that. They mentioned some of the individuals and there was some question from responses to the INS whether they were, in fact, the people that were involved in the program, and then it continued on with the Immigration Service. Phyllis Coven said, "It may be several months until their final adjudication, but the cases certainly have our attention and will be handled as expeditiously as possible."

I just can't underline enough how important I think it is that if there are cases where individuals have done it that they be treated fairly. I mean, these are the ones that really stuck their neck out. We took over 1 million of those, many of them Vietnamese who just were out of Fung Tao and running nightclubs and bailed out of



there with their families, and they are here, settled, and many of them doing very, very well, and so be it.

But the people that were a part of the service and whose files were revealed when that helicopter took off and all those files were opened, and taken in the 1960's and released prior to 1975—we ought to make sure that they are given fair and a very aggressive kind of review. If there are those who had been a part and were involved in working with Americans, risking their lives, I think we have some real responsibilities to them. So I hope you will give some priority to reviewing those cases.

Ms. OAKLEY. May I just give you an update on that because these lost commando cases have been of concern. I have been informed that INS and the orderly departure program officials have now completed a careful review of 61 cases, and the case summaries have just been forwarded to Washington for consideration. That will take some time. Approximately 25 additional cases have been found and are now being examined. I have various reports because they fall into categories, but it is of concern to us. I think we are on the right track, and once again we will be glad to keep you informed as we know the final disposition of those cases.

Senator KENNEDY. OK. Why does it take such a long time here when they get here? What do we have to do here that they haven't done previously in the review of these cases out in the field?

Ms. OAKLEY. I would think one final review. It is done primarily by INS back here to make sure that the new information that the files now have meets our standards for credibility, as well as eligibility. I would expect that very early this month we would have answers on most of those cases.

Senator KENNEDY. OK. Well, I will have my staff keep in touch with you.

Let me just get into another area, Mr. Tarnoff, and I will submit additional questions. We talked a little bit with the Secretary about the settlements from Africa and the Iraqi refugees in Saudi Arabia. I am concerned about the crisis in world food aid. Since there have been changes in the Agriculture Department, we are not developing the surplus food that we had, and I am interested in how you are viewing this supply in terms of meeting various emergencies, and I will submit some questions in that area as well.

[The questions of Senator Kennedy follow:]

QUESTIONS SUBMITTED TO ACTING SECRETARY PETER TARNOFF BY SENATOR EDWARD M. KENNEDY

#### IRAQI REFUGEES IN SAUDI ARABIA

*Question 1.* Please describe the cases which remain in the Saudi camps, what screening procedures are employed, and why the United States should resettle them? Are other governments settling the Iraqis too?

*Answer 1.* Since 1992, the U.S. has participated in a UNHCR-coordinated multinational refugee resettlement program for Iraqi refugees in Saudi Arabia, the majority of whom fled Iraq in the wake of failed uprisings there at the end of the Gulf war. Originally there were nearly 31,000 Iraqi refugees in Saudi Arabia. The current camp population is approximately 15,000.

The refugees who remain are mostly civilians who participated in the 1991 uprisings against the Saddam Hussein regime, as well as former Iraqi soldiers who deserted their units prior to the invasion of Kuwait. All are regarded by UNHCR to be refugees in need of resettlement.

It is important to note that the ex-soldiers either left their military units inside Iraq before being mobilized to the Kuwaiti front or deserted with the encouragement

of the multinational forces, who dropped leaflets promising protection if they did so. Many of these ex-soldiers are ethnic and religious minorities (Assyrian Christians, Chaldean Catholics, and Kurds) who believed they had been conscripted to serve as cannon fodder.

The United States has resettled over 6,500 Iraqi Refugees from Saudi Arabia since 1992. Of these, 1,600 were former soldiers and their family members. All were referred to the U.S. program by UNHCR.

INS officers interview each refugee applicant individually and assess both the credibility of their claim to a well-founded fear of persecution and whether they are eligible under U.S. law for resettlement in the United States. Anyone who has committed a serious non-political crime is excludable under U.S. law.

In addition, security checks are completed prior to the admission on any Iraqi over age 14.

Iraqis are a designated nationality within the U.S. refugee admissions program as a result of consultations with Congress. Iraqi refugees are resettled from Turkey and other European countries as well as from Saudi Arabia. Since 1992 some 15,000 Iraqi refugees have been resettled in the U.S. from all processing posts, including the 6,500 from Saudi Arabia.

Other countries, including Iran, Australia, Canada, Syria, and the Nordic countries have also resettled Iraqis from Saudi Arabia and continue to do so. By the end of this year UNHCR estimates the other members of the multinational effort will have resettled approximately 9,000 Iraqis from Saudi Arabia.

#### CRISIS IN WORLD FOOD AID

*Question 2.* I'm told that if a humanitarian emergency were to erupt tomorrow (for example in Burundi), we would not be able to respond with emergency food aid under Title II of P.L. 480. Is this true? What is the Administration doing about this very serious limitation in our ability to provide emergency food aid? Since many other donors are experiencing the same problems, are we also working with them to fashion a response? Will you be submitting recommendations to Congress to address the problem?

*Answer 2.* If a new emergency were to erupt in FY 1996, and if the existing requirements for emergency food aid provided by the United States in FY 1995 were to remain constant in 1996, we would be faced with several difficult choices: (1) transfer up to 15 percent of funds appropriated for Titles I and III not Title II for emergency use; (b) reduce the amount available for non-emergency Title II programs implemented by private voluntary organizations, cooperatives and international organizations; (c) not respond to that emergency; or (d) reduce the assistance we provide to other crises such as Angola, Liberia, Bosnia, Mozambique, Rwanda/Burundi, Sudan, Malawi or other countries.

P.L. 480 programs will receive less funding in FY 1996 than in FY 1995. To offset this impact for emergency programs, the Administration supports an expansion of the authorities governing the Food Security Wheat Reserve to include other basic grains and to increase the annual drawdown authority from 300,000 metric tons to 500,000 so that our ability to respond to an unanticipated and exceptional need for food could be augmented. Unless we are to return to yesterday's levels of farm subsidies which provided surplus commodities abroad, and were used to cushion the impact of many emergencies such as the 1992 southern African drought, this would appear to be the most feasible of our resource options.

We are working closely with Canada and the European Union. The USAID Administrator will be meeting with the EU on cooperation issues in late-September, with food aid and food security as the principal agenda item. We are meeting with Canada, Australia and Dutch representatives in September to discuss food aid policy and resource levels. Food aid and food security will be discussed in Osaka at the next APEC meeting this Fall. In addition, we traditionally discuss food aid levels at the biannual World Food Program donor committee reviews.

If the changes in the food security reserve are enacted, remaining issues must be addressed in the appropriations process.

#### PERMITTING CONSULAR OFFICERS TO MAKE REFUGEE DECISIONS

*Question 3.* For many years now, I have proposed that consular officers be permitted to make refugee determinations. consular officers issue every other kind of visa. Why not refugees, too—especially in places to which INS does not regularly travel?

*Answer 3.* We agree that broader provisions need to be made for refugee determinations and we are taking steps to ensure greater accessibility to U.S. refugee admissions processing. In Africa, for example, our Joint Voluntary Agency (JVA) in



Nairobi has been given regional responsibilities and this year prepared refugee cases for subsequent INS circuit rides to ten African countries. We share the view that in some circumstances alternative processing arrangements would be appropriate, and we have been discussing various possibilities with the Immigration and Naturalization Service.

#### RESETTLEMENT OF AFRICAN REFUGEES

*Question 4.* The President proposes 7,000 refugee numbers for Africa in 1996 and Under Secretary Tarnoff's statement (p.2) says, "In Africa, we have embarked on a new approach to refugee processing." Is there a serious commitment by the State Department and INS to make our African program truly responsive to those who require resettlement abroad? What do you plan to do differently in 1996 than in past years?

*Answer 4.* The vast majority of African refugees are safe in countries of first-asylum and are not in need of third-country resettlement. Successful repatriation efforts have been mounted in recent years for Somalis, Mozambicans, and Ethiopians. In some cases African refugees are integrating locally into asylum countries.

However, the Administration is committed to ensuring that the African admissions program provides resettlement opportunities to persons who meet the refugee definition and are unable to either remain in countries of asylum or repatriate in safety and dignity.

In Africa, we have embarked on a labor- and resource-intensive effort to bring the possibility of resettlement in the U.S. to as many UNHCR-recognized refugees deemed to be in need of a third-country resettlement as possible.

We are working closely with UNHCR offices in the field to increase UNHCR referrals of vulnerable or other deserving African cases to our admissions program. We anticipate that this partnership will result in the U.S. program receiving applications from refugees with a valid claim to resettlement whom our program has not been able to reach in the past.

This year INS has travelled to Zambia, Burundi, Ethiopia, Uganda and six countries in West Africa to interview refugees whom UNHCR has referred to the U.S. for resettlement.

In FY 96 we expect to see an increased and diversified number of UNHCR referrals to our program and will undertake more Joint Voluntary Agency and INS circuit rides throughout Africa. Coordination between our Embassy in Nairobi, INS, JVA, UNHCR and the International Organization for Migration will be enhanced to ensure the smooth operation of this program.

#### RESETTLEMENT OF IRAQI CHRISTIANS

*Question 5.* Iraqi Christian refugees (Assyrians and Chaldeans, for example) can be found around the Mediterranean. Many are in precarious legal statuses and are seeking resettlement in the United States. Organizations here have offered to resettle them under the Private Sector Initiative program. Are the State Department and INS open to this possibility?

*Answer 5.* While we have had some inquiries and remain available to continue discussions with interested organizations, we have not received any proposals regarding Iraqi Christians and we have not included the Private Sector Initiative (PSI) in planning for the our FY 1996 admissions program.

In the past it has proven difficult for many organizations to meet the financial requirements of PSI—particularly in the area of medical insurance.

Iraqis are a designated nationality within the U.S. refugee admissions program as a result of consultations with Congress. Iraqi refugees are resettled from Turkey and other European countries as well as from Saudi Arabia. Since 1992 some 15,000 Iraqi refugees have been resettled in the U.S. from all processing posts, including many Iraqi Christians.

In FY '95 Iraqi Christians who fled their homeland for fear of persecution and fall within either processing priorities One or Two are eligible for consideration for admission to the United States. Iraqis in Saudi Arabia are processed in priorities One through Four.

Iraqi refugees who can no longer stay in their country of first asylum often have their cases referred to resettlement countries such as the U.S. by the United Nations High Commissioner for Refugees.

## RESETTLEMENT OF BURMESE

*Question 6.* Despite the recent release of Aung San Suu Kyi, Burmese authorities continue to engage in gross violations of human rights. Do you expect to admit more Burmese refugees in 1996 than in previous years? If not, why not?

*Answer 6.* We have a limited program for Burmese students in Thailand who (1) were leading activists in the Burmese pro-democracy movement who would be at risk if they returned to Burma, and (2) are referred to the U.S. by the United Nations High Commissioner for Refugees (UNHCR). Since 1989 we have resettled over 300 Burmese under this program—more than all other resettlement countries combined. UNHCR, which is responsible for the protection of these refugees as it is worldwide, believes that, in general, third-country resettlement for Burmese students in Thailand is not required, as adequate first asylum is available to them in Thailand. Our program does, however, allow for consideration of any vulnerable cases referred by UNHCR. Any large-scale resettlement processing of Burmese which might attract more Burmese to Thailand could lead the Thai government to tighten existing restrictions on the more than 92,000 Burmese living in camps along the border, or restrict the movement of Burmese students in Bangkok. Should Burmese student pro-democracy activities collapse and large numbers of Burmese students/dissidents in Thailand seek third-country resettlement, we could adjust processing criteria accordingly and would be prepared to participate in a multi-country resettlement program coordinated by UNHCR.

Senator KENNEDY. Just before concluding, I want to mention another area of the world, and that is Northern Ireland, if I could mention it to you. Obviously, it is enormously complex. As one who feels that the President and the country have been a very constructive force in trying to advance the cause for peace—as you well know, there has been a cease-fire for a year and still the British Government has not called for talks which include the Sinn Fein.

We are mindful as well that the declaration which is going to have its year celebration states that parties which establish commitment to exclusive peaceful methods will be included in a dialog. Certainly, we have had a year-long cease-fire as proof of a commitment. Obviously, decommissioning is one of the several legitimate issues to be discussed in talks, but it appears to me the British Government has pulled this one issue out of the hat and proclaimed that the IRA must respond before they can come to the talks.

We didn't do that in El Salvador. You know, you can make our own observations even about the PLO. It wasn't to my knowledge that we did it with the ANC either. I am just hopeful that the administration is continuing to press for talks and negotiations.

Mr. TARNOFF. We certainly are, Senator. As you indicated right from the outset, the President took a personal interest in this issue. He engaged with the British Government, with the Irish Government, and with parties in Northern Ireland in order to demonstrate that the United States did have a stake in trying to do what we could to promote dialog and reconciliation. The appointment of your former colleague, Senator Mitchell, was also very much in this same spirit.

With respect to the current state of the negotiations, it is true that there is a remaining distance between the two sides, but there is also an unprecedented level of conversation between the British Government and representatives of the movements in Northern Ireland. Whatever the resolution is on the decommissioning issue, we think it is appropriate for the negotiators to be discussing among themselves, and we have indicated that we remain helpful, we remain encouraging. The dialog that we have maintained with

all of the parties has continued at a very high level of government, so we will be pressing ahead doing what we can.

Senator KENNEDY. Well, I appreciate it, and I won't take more than just another moment. You know, these opportunities for breakthroughs for peace come, as both of you know and others know as well, rarely and fortuitously in many instances, and we don't want to lose that opportunity. I know the President is planning to go later on the year, and there are those that think, well, since the President is planning to go, we can just sort of coast along and perhaps something will sort of work its way through by that time because people won't change the mix prior to those visits.

When there is a great opportunity, it really calls for the best in all of us to try and urge those forces that really want to move the process to try and find ways of weaving a path through the various obstacles that are out there and see if we can't keep the movement moving toward a hopeful outcome. So we will be watching that and working closely with the administration and the Secretary on that.

Thank you, Mr. Chairman.

Senator SIMPSON. Thank you, Senator Kennedy. I always just simply stick with Senator Kennedy on issues of the Irish. I have been designated as an honorary Irishman. I have received awards and plaques of innumerable amount just by sticking close, with numbers all over the place, numbers in legal immigration and quotas. It has been a wonderful experience. I thank you for that. [Laughter.]

Senator KENNEDY. That is why we call him O'Simpson. [Laughter.]

Senator SIMPSON. Ted asked a bit about Bosnia. We are all concerned. We see it deteriorate daily, doubling the amount. We see that, and we will be prepared to consult for further adjustments. But if it does require an adjustment or reallocation of the numbers, which part of the admissions program is most likely to sustain the reduction to provide these numbers for Bosnia or any other hot spot that may demand additional admission?

Ms. OAKLEY. I can't tell you that yet because we don't know how the admission flow will occur. I think you know that we always have targets in these numbers that we set. We don't feel that they are quotas that we have to fill. I think that we had every intention even before the latest recent events of increasing our numbers. We do have some unallocated reserve.

If the situation got so bad where we would have to really move numbers or perhaps even increase, we, of course, would come back to you at the beginning of our planning and thinking about this. I think most of us recognize what the Acting Secretary has said that most of the former Yugoslavs wanted nothing more than to go back home, and I think many of them still do. But we also know that the longer the fighting goes on, the more difficult that becomes.

Senator SIMPSON. Well, we will need to be consulted on that because it will come to pass, in my mind, that with public opinion driving it, we might end up with what we used to refer to as State Department refugees, not in this situation, but that is something I always try to be very cautious about. This one is very serious, very real. Again, we will appreciate your visiting with us, this com-



mittee, the ranking member, the chairman. I assume you agree to do that.

Ms. OAKLEY. Absolutely.

Senator SIMPSON. Mr. Tarnoff, under the United States-Cuba agreement of last September, we guaranteed that at least 20,000 Cubans would be allowed to emigrate to the United States each year. Now, since 20,000 Cubans do not qualify for admission to the United States under our immigration and refugees laws, the administration determined to thus parole thousands of Cubans into the United States to meet that 20,000 guarantee, parole being a very special process where you just say we are going to take these people in. We will admit them temporarily, of course. That was what it was originally for.

I disagreed with that use of the Attorney General's parole power, and I did under previous Attorneys General at times of my own political faith. I think it can be described by some as perhaps a misuse of the parole power. I recall the testimony of Attorney General Griffin Bell at a hearing on the Refugee Act of 1980 and a discussion of the exercise of parole, and he said this, and I quote Attorney General Bell, "This authority which rests solely with the Attorney General has the practical effect of giving to the Attorney General more power than the Congress in determining limits on the entry of refugees into the country."

How many Cubans will have been paroled into the United States in fiscal year 1995, and what number of Cubans does the administration expect to be admitted by parole in 1996? Will all of these parolees be provided with what we—not my designation, but refugee cash and other assistance? Will they be assisted by the NGO's? Are there payments made by the Federal Government? What amount?

I guess what I am saying is although the admissions are 90,000, the President's budget asks for funding for 110,000. This was last year. How much of that additional funding is for Cubans admitted under parole or the lottery as refugees or as immigrants—all programs being used to get the promised 20,000 per year?

Those are some of the things that concern me. I realize that is a looping series of questions, but could you help me on that?

Mr. TARNOFF. Mr. Chairman, I would be delighted to help you, but I am afraid the information that we have immediately available is only very partial and, with your permission, I would like to take the question and be back to you in the next couple of days. That information is readily available. We just don't have it.

Senator SIMPSON. Do you have any part of it you could share with us orally here at this time?

Mr. TARNOFF. The figures that were given me with respect to parole numbers are a total of 12,022 from the Havana processing operation, and then 16,700 from Guantanamo. As you know, special arrangements were made in the fall for paroling of certain categories of refugees from Guantanamo, and then after May 2, the administration decided to parole the remainder of people in from Guantanamo, except for those who would be excludable under U.S. law.

Senator SIMPSON. I just wondered what assistance is provided to the parolees. That is, in essence, what I am trying to find out, too.

Mr. TARNOFF. Mr. Chairman, I think we are going to have to provide that information to you.

Senator SIMPSON. It is very important to us, and if you could, that would be very helpful, unless you have some scribbled note there that would add——

Mr. TARNOFF. I do. The good news is I have a note. The bad news is I am not sure I can read it. [Laughter.]

But if I might try, I am told by a reliable source that Cuban——  
Senator SIMPSON. Is that an anonymous source?

Mr. TARNOFF. No. I know the gentleman who handed me the note, but I am not sure he wrote it.

The Cuban and Haitian parolees qualify for refugee benefits and assistance under the Fascell-Stone legislation of 1980. That doesn't get to your question of the amount, but we will provide that to you.

Senator SIMPSON. And if you would, too, as to the beneficiaries of the lottery, too, as to what that is, that would be very helpful to us.

Mr. TARNOFF. Yes.

Senator SIMPSON. I have always received what I have inquired about, and as soon as you can furnish that, the better.

Mr. TARNOFF. Yes, we will.

[The information referred to was not available at presstime.]

Senator SIMPSON. Just a final question now and we will conclude. Part of the annual consultation under the statute is a report to Congress which contains, among other things, as I read before, "an analysis of the anticipated social, economic, and demographic impact," of refugee admissions.

I am a little bit surprised to note that at least what was a significant level of welfare dependency among refugees resettled in the United States, and especially in our past research, in fact, in the State of California, was not mentioned at all in this administration's report to the Congress, and I find that a bit, as I say, surprising given that some experts now are claiming that refugees are significant users of SSI, supplemental security income, for the aged, and also SDI for the disabled.

I am just wondering why the administration's report fails to discuss this issue of assistance, welfare use, by refugees. Certainly, any welfare dependency is part of their social, economic, and demographic impact. These are the things that give rise to the disturbance out in America today, and the sooner we can deal with that——can we expect a detailed discussion of that in next year's report, or do you have any information on current use or what we call dependency status of refugees throughout the country, or especially in the most distorted State, if you will, of California?

Ms. OAKLEY. If I may, let me just comment that in our report to the Congress on our refugee admissions, we certainly do discuss the ongoing domestic resettlement programs, their demographic impact, geographic distribution, these aspects. I think that there are some tables that give some of this information, but certainly we can put together more information on the financial impact of these things that we have seen for the last few years and we can make some projections about that for 1996 as well. We will pay special attention to include that next year.

Senator SIMPSON. Well, I think that you particularly, Phyllis, have been here a long while. You have been of great, consistent assistance through various administrations. Mr. Tarnoff, you are very active and helpful.

There isn't a soul in this room—and there are many in this room who have a grave and continuing interest in these programs, but you know that this year, unless we do something consistent out of this committee, it is going to get to the floor and it is going to get all chopped to ribbons by emotion, fear, xenophobia. It is all out there this trip. I have never seen anything like it before, people prodding all day long. What are you going to do about refugees? What they mean is immigrants. What are you going to do about immigrants? What they mean is permanent resident aliens. Well, what are you going to do about these people? That is a very troublesome thing to observe.

So unless we can give honest figures of taking care of people and being assured that people are not brought here—we have had applications from overseas for SSI, and that is going to stop. But in stopping that kind of thing, you hurt people in the process somewhere who don't deserve to be hurt.

Help us; get us honest figures and honest numbers so we can remain, as we always have been, a very generous nation, the most generous on earth. But that will remain only as long as we do not have gimmicked systems, and some of them are being gimmicked. Dependency rates and over-use of SSI and SDI, no means-testing, no sponsorships—we have got lots to do and I want to do it in a rational way, and with the help of Senator Kennedy, Senator Feinstein, Senator Grassley, Senator Kyl and Senator Simon, that is just exactly what we intend to do. When we get to the floor, we had better grab a big oar, so help us.

Thank you very much. That concludes the hearing. We appreciate your presence.

[The prepared statement of Mr. Tarnoff follows:]

#### PREPARED STATEMENT OF PETER TARNOFF

I appreciate this opportunity to reaffirm the President's deep commitment to the United States refugee program as well as to outline for the Committee and to present to you the President's specific proposal for the Fiscal Year 1996 refugee admissions program.

Perhaps more than at any time since 1980—when the Refugee Act was enacted—the question of to whom and in what numbers this country should offer permanent resettlement is generating considerable national interest. There are, no doubt, many reasons for the renewal of this debate, but the changed circumstances of global migration in the post-Cold War period and its impact on the United States is one of the most significant. We are not alone. Many other countries are wrestling with the same issues. But it is clear that we, the United States, must provide the necessary leadership within the international community to ensure that refugee resettlement remains available to those for whom there is no other viable alternative.

Refugee resettlement embodies who we are and what we stand for as a nation. Throughout our history, flight from tyranny has caused millions of people to seek refuge in our land of freedom. In a decade dominated by ethnic tensions, ethnic cleansing, and ethnically-inspired violence and killing, it is essential that America remain an example of tolerance and compassion. Given the numerous volatile situations in the world today, we believe that the United States must retain maximum flexibility to offer resettlement opportunities, when needed, and to be in a position to encourage other countries to accept their international responsibilities. It is for this reason that we oppose any legislated numerical cap on annual refugee admissions.



Having said this, let me emphasize that we concur that the use of resettlement as a durable solution should evolve to match changing requirements. Since the end of World War II, refugees resettled in the United States have—in the main—been persons fleeing communism. In most cases, communism became synonymous with persecution. While we continue to admit members of certain groups to whom commitments were made before the demise of most communist states, we are in a period of transition which is resulting in adjustments of worldwide admissions numbers overtime.

We will also use our position to ensure that resettlement needs are viewed as a shared international responsibility. Recognizing the changed circumstances in the world, the Administration with our NGO partners has begun to revise criteria for the United States refugee admissions program.

This fiscal year, new priorities were established to determine who among the world's refugees would be given primary consideration for United States resettlement. Without sacrificing our ability to act unilaterally, these new priorities allow for far greater coordination with the efforts of the international community and other resettlement countries. Working with the Office of the United Nations High Commissioner for Refugees (UNHCR), we are moving away from a Cold War framework and toward a system with greater emphasis on refugees recognized as having both a well-founded fear of persecution and a need for third-country resettlement. Where necessary, refugee admissions resources can be used as an instrument to ensure the preservation of the practice of first asylum.

Turning to the specifics of the admissions program for Fiscal Year 1996, a copy of which I believe the committee has received, the President proposes an overall refugee admissions ceiling of 90,000. This represents an 18% decrease from the current fiscal year ceiling of 110,000.

Much of the reduction will result from a decline in the need for admissions numbers in the East Asia region. The 25,000 numbers proposed for this region will allow us to resettle the last group of Vietnamese re-education camp prisoners and Highlanders from Laos, to whom we have firm commitments, as well as a small number of non-Indochinese refugees. In addition, in an effort to accelerate voluntary repatriation from first asylum camps in Southeast Asia and ensure the successful conclusion of the Comprehensive Plan of Action (CPA), we are discussing with our CPA partners, a proposal to provide opportunities for resettlement interviews upon return to Vietnam to those Vietnamese now in camps who agree to return to their homes voluntarily. The exact details of this proposal would be determined, in part, as a result of consultations with those governments whose cooperation would be required for its successful implementation.

In the former Soviet Union, religious minorities with close family ties in the United States will continue to receive significant refugee admissions slots under the European ceiling of 45,000. Unfortunately, the situation of Bosnian refugees not only continues unresolved in many locations but may even be deteriorating. We are working closely with UNHCR and, in FY 1996, we will admit at least 15,000 Bosnians—almost double the number expected to arrive during FY 1995. We will continue to monitor events in Bosnia, and will be prepared to consult with Congress if further adjustments appear necessary.

In Africa, we have embarked on a new approach to refugee processing to ensure we take in those people truly in need of resettlement. This effort involves not only the USG and USG-funded non-governmental organizations, but also many UNHCR offices which primary focus is on basic humanitarian assistance. Travelling teams of voluntary agency and Immigration and Naturalization Service staff members this year will interview African refugees in more than double the number of first-asylum countries traditionally visited for this purpose. To their credit, most African countries honor first asylum and refugee protection obligations. With the financial assistance of the international community, many diverse groups of African refugees—Mozambicans in Malawi, Ethiopians in the Sudan, Somalis in Kenya—have been allowed to remain in neighboring countries until repatriation was possible. Third-country resettlement opportunities, therefore, are needed for relatively few cases in each of these locations. The President's proposed 7,000 African admissions will be available for Sudanese, Somalis, Zairians, Liberians, and numerous other nationalities.

The U.S./Cuban Migration agreement calls for the safe, orderly, and legal admission of 20,000 Cubans annually. One component of this effort involves the admission of persons approved in our in-country refugee admissions program. Individuals who have been jailed or harassed for their political or religious beliefs or activities are examples of those included in this program. Given the prevalence of democratically-elected governments in this hemisphere, Cubans are the only nationality designated for refugee processing and 6,000 numbers are recommended for their use.



For the Near East/South Asia region we are proposing 4,000 numbers for FY 96. Resettlement in the U.S. for refugees from this region is closely coordinated with UNHCR. Many referrals for United States resettlement are persons who fled Iraq but cannot remain in first asylum countries such as Saudi Arabia, Jordan, Turkey or Syria. Religious minorities from Iran—particularly Baha'is and Jews—also require third-country resettlement. As in the Africa program, we are working closely with UNHCR to bring United States processing to those who are most in need. In the coming fiscal year we will interview refugees in regional capitals that had been rarely, if ever, visited by our processing teams.

Given the unpredictability of world events, the President's proposal includes a reserve of 3,000 numbers which are not assigned to any region. As situations develop during the year, additional numbers for existing programs or numbers for new refugee groups may be required. The availability of an unallocated reserve allows the program the flexibility necessary to operate effectively in this constantly changing environment.

By current UNHCR estimates, there are some 20 million refugees in the world and an even greater number of persons displaced within the borders of their own countries. In addition, millions of migrant workers and asylum-seekers are on the move around the globe. In the face of these growing numbers, the international community now rarely views large-scale permanent resettlement as an appropriate or manageable solution for refugee crisis. As with the Kurds on the Turkish border after the Gulf War, or Rwandans fleeing the massacres of last year, the first concern for refugees is protection and assistance in place, followed by the hope of eventual voluntary repatriation.

The vast majority of the millions of refugees worldwide will never be resettled anywhere but, rather, will remain in first asylum under the care of the international community until they can return home in safety and dignity. It is to these vital programs that some \$430 million dollars of Department of State funds are devoted in the current fiscal year. We believe the U.S. commitment to generous levels of overseas assistance represents money very well spent.

In recent years, United States leadership—be it in the form of financial resources, food aid, diplomatic intervention or the unique assets of the U.S. military—has made the difference between catastrophe and the preservation of human life. As the UN High Commissioner for Refugees recently told me, in today's world, there simply is no substitute for U.S. leadership. This view is shared as well by the American people who, through their elected representatives, have continued to demonstrate their support for these programs.

There are many examples. The ethnic tensions in Central Africa that led to genocide in Rwanda last year and still threaten to plunge Burundi into bloodshed and chaos elicited an outpouring of American concern and resources despite the limited United States strategic interests in that part of the world. Since April of 1994, the U.S. Government has provided over \$500 million in emergency relief for refugees, the internally displaced, and other conflict victims in this region. When nearly a million Rwandians arrived in the Goma area of Zaire within a matter of days, the UNHCR reached the outer limits of what it could implement even on an emergency basis, and appealed to governments to provide services directly to the refugees. United States leadership was instrumental in mobilizing resources and contributions from other nations. Our response was possible because of the military's capabilities and our political will to use them in such unique circumstances.

Rwanda illustrates another aspect of this country's contribution to handling humanitarian crises—that of the private sector. The community of non-governmental organizations or "NGOs" reported an unprecedented fundraising response from the American people to the Rwandan tragedy; and many American and other voluntary agencies provided life-saving work throughout the region. The NGO community has also stepped forward to devise community-based conflict prevention programs. These are a necessary complement to the government's effort on the diplomatic and political front in saving Burundi from a similar cataclysm.

The relief activities of American NGOs have also made a substantial difference in alleviating suffering in the ongoing tragedy of Bosnia. Since 1992, NGOs have assisted the millions of people uprooted in this agonizing ethnic conflict. Often without regard to their own personal security, they have ensured the provision of food and shelter to victims of ethnic cleansing and violence both within and outside of Bosnia's borders. They have also provided life-sustaining medical treatment, medicines, and medical supplies to Bosnian refugees and displaced persons throughout the region.

Mr. Chairman, the people of the United States continue to demonstrate an enormous capacity and willingness to reach out to those in need—both at home and abroad. Americans want to be part of the solution. In recent years it has been made



abundantly clear that the United States retains the will, creativity, and willingness to "take charge" when necessary in assisting the victims of natural or manmade disasters. In addition, our track record as a multi-cultural society—even in light of the current debate on appropriate levels of new immigration—is excellent and can serve as a positive example to other nations. The President's proposal for the admission of 90,000 refugees in Fiscal Year 1996 reflects his intention to maintain America's leadership while at the same time recognizing that changed circumstances demand new and flexible approaches.

I will be happy to respond to your questions.

[Whereupon, at 12:22 p.m., the subcommittee was adjourned.]



ISBN 0-16-054239-1



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